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To: Joseph Brooks & Christopher Young
Subject: Application No. 10/065,095 Non Compliant Amendment 3/10/06
Fax #: 571-273-0993 / 703-872-9306

From: Gemma Montani - Legal Analyst - IP Law
Phone: 802-769-4008 (T/L: 8-446-4008)
Fax #: 802-769-8938

Date: March 15, 2006

Pages: 10 including cover page

Comments:

Following are the claims for BUR920020026 and a copy of the Non-Compliance Action.

Please phone me if you have any problem with the legibility of this fax.

Thank you.

Gemma



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,095	09/17/2002	Louis M. Kindt	BUR920020016	6154

7590 03/10/2006

Richard M. Kotulak
IBM Corporation
IP Law Department, 972E
1000 River Street
Essex Junction, VT 05452

EXAMINER

YOUNG, CHRISTOPHER G

ART UNIT	PAPER NUMBER
1756	

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

BEST AVAILABLE COPY

Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

10065095

Applicant(s)

X. Kuntz

Examiner

C. Young

Art Unit

1756

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on _____ is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

☒ 1. Amendments to the specification:

- ☐ A. Amended paragraph(s) do not include markings.
- ☐ B. New paragraph(s) should not be underlined.
- ☒ C. Other *The Amendment is not clear and I understand the wording.*

☐ 2. Abstract:

- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
- ☐ B. Other _____

☐ 3. Amendments to the drawings:

- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
- ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
- ☐ C. Other _____

☐ 4. Amendments to the claims:

- ☐ A. A complete listing of all of the claims is not present.
- ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
- ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
- ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
- ☐ E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

- Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or
- Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

[Signature]
Legal Instruments Examiner (LIE)

571-272-0893
Telephone No.

Application No.: 10/065,095
Applicant: Louis M. Kindi
Filing Date: 09/17/2002
Group Art Unit: 1756
Title: Process and Apparatus for Minimizing Thermal Gradients Across an Advanced Lithographic Mask

Attorney Docket: BUR920020016US1
Today's Date: March 2, 2006
Examiner: Christopher G. Young
Fax No.: 703-872-9306

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Electronic Filing System

Date: March 02, 2006

Name: Gemma Montani

Signature: Gemma Montani

Commissioner for Patents
Washington, D. C. 20231

Sir:

AMENDMENT UNDER 37 CFR § 1.111

We are resubmitting this Amendment in lieu of Examiner's statement that it was non-responsive because we failed to "list" the withdrawn claims appropriately.

Responsive to the Office Action of February 02, 2006, the period of response thereto set to expire on March 02, 2006, reconsideration of the action and allowance of the present application